

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GOSPEL MINISTRIES INTERNATIONAL, INC.,
Plaintiff,

v.

1:21-cv-00566-MV-JMR

PREMIER PROPERTY SALES, LTD.,
CLAY CHESTER, individually and as president of
Premier Property Sales, Ltd.,
DYLAN STORMONT, individually,
DEWAYNE'S AIRCRAFT SERVICES, LLC,
Defendants,

and

PREMIER PROPERTY SALES, LTD.,
Counter Claimant,

v.

GOSPEL MINISTRIES INTERNATIONAL, INC.,
Counter Defendant

and

PREMIER PROPERTY SALES, LTD.,
Third-party Plaintiff,

v.

DAVID GATES, individually and as president of
Gospel Ministries International, Inc. and
BRANDTLEY GREENLAW, individually and as
chief pilot for Gospel Ministries International, Inc.,
Third-party Defendants.

**ORDER OVERRULING OBJECTIONS AND ADOPTING
MAGISTRATE JUDGE'S PROPOSED
FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on Premier Property Sales, Ltd.'s ("Premier's")
Motion to Amend its Pleading to Add Cross Claims (Doc. 55) and two orders to show cause for

failure to serve third-party defendants (Docs. 71, 72). These matters were referred to United States Magistrate Judge Jennifer M. Rozzoni for a recommended disposition pursuant to 28 U.S.C. §§ 636(b)(1)(B) and (b)(3). Docs. 75. The magistrate judge filed her Proposed Findings and Recommended Disposition on August 21, 2023. Doc. 76. On September 5, 2023, defendants Premier and Clay Chester¹ filed a timely objection. Doc. 77.

The magistrate judge found that Premier failed to show good cause for filing an untimely motion to amend its third-party complaint and therefore recommended that the motion be denied. Doc. 76 at 19. The magistrate judge also found that Premier failed to show good cause for failing to timely serve third-party defendants Brandtley Greenlaw and David Gates and therefore recommended that they be dismissed without prejudice. *Id.*


Premier and Mr. Chester lodge a single objection related to the magistrate judge's characterization of Mr. Chester as a client of defendant Dylan Stormont, as is alleged in the complaint. *Id.* at 2; *see also* Doc. 1 at ¶ 16. The objection, however, does not explain how this fact affects the magistrate judge's analysis or recommendations. This fact was immaterial to the outcome. *See Rivera v. Cormaney*, 248 F. App'x 37, 41 (10th Cir. 2007) (unpublished) (holding that a magistrate judge's arguable misstatement of an inconsequential fact was "irrelevant"). The Court overrules the objection and adopts the Proposed Findings and Recommended Disposition.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. The magistrate judge's Proposed Findings and Recommended Disposition (Doc. 76) is ADOPTED;
2. Premier's Motion to Amend its Pleading to Add Cross Claims (Doc. 55) is DENIED; and

¹ Although the motion to amend was only made on Premier's behalf, both Premier and Mr. Chester have objected to the findings. Doc. 77.

3. Third-party defendants Brandtley Greenlaw and David Gates are dismissed without prejudice.



MARTHA YAZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE